

Serial No. 10/724,282

PATENT
New Atty Docket No.: 67136-5106RECEIVED
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REMARKS/ARGUMENTS**The Non-Final Office Action**

In the above-mentioned non-final Office Action, claims 289, 309, 325, 334, 343 and 371 were rejected as failing to comply with the written description requirement; claims 335, 344 and 372 were objected to as being of improper dependent form; claims 263-265, 268 and 296 were rejected as being anticipated by U.S. Patent 5,951,819 (Hummell); claims 231-244, 246-249, 291-294, 303-305, and 309-312 were rejected as being unpatentable over U.S. Patent 4,000,906 (Kolosko) in view of U.S. Patent 3,848,875 (Miyoshi); claims 315-327, 329-336, 338-344, 351-361, 366-372, 383 and 384 were rejected as being unpatentable over were rejected as being unpatentable over Miyoshi in view of U.S. Patent 3,680,872 (Hiraki); claims 266, 267, 269, 270, 306-308, 313, 314, 328, 337, 382 and 385 were objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form with all limitations of the base claim and any intervening claims; and claims 250-255, 257-262, 271, 273-288, 290, 297-301, 362, 373-381 were allowed.

The Amendments

Claim 357 has been cancelled without prejudice or disclaimer.

Claims 231, 248, 315, 327, 336 and 351 have been amended to overcome the prior art rejection.

Claims 289, 309, 325, 334, 343 and 371 have been amended to overcome the written description rejections.

Claims 335, 344 and 372 have been amended to overcome the objections thereto.

Minor clerical changes have been made to claims 263, 276, 283, 303 and 376.

New claims 386-389 has been added.

The Telephone Interview

The undersigned counsel for Applicants and Applicants' technical representative, Dr. Ronald Ugolick, thank Examiner Chan for the courtesies extended to them during

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their telephone interview of December 5, 2006. During that telephone interview, Examiner Chan said that:

(1) If claims 315, 327 and 351 were amended as set forth above, he would withdraw his rejections of them.

(2) The limitation in claim 263 that "the outer centering ring surrounding the inner centering post and having a second effective diameter, which is larger than the first effective diameter, adapted to center a second label having a wide central opening, which is wider than the narrow central opening, in a second label application position with the centering ring disposed in the wide central opening and an adhesive face of the second label upwardly disposed" was not taught by Hummell. Therefore, he would withdraw his rejection of that claim.

(3) He would withdraw his rejection of claim 303 because he did not find that Kolosko in view of Miyoshi taught "a locator assembly having at least one locator member and a lift post operatively connected to the at least one locator member; the lift post extending through the applicator body and through the post assembly."

Brief Discussions of the Patentability of the Independent Claims

Claim 231: Amended to positively recite a first label or alternatively a second label on the label support surface. This is not taught or suggested by the phonograph patents applied in the rejections.

Claim 248: Amended to positively recite a first label or alternatively a second label on the label support surface. This is not taught or suggested by the phonograph patents applied in the rejections.

Claim 250: Allowed.

Claim 259: Allowed.

Claim 263: Examiner agreed during the telephone interview that his rejection of this claim would be withdrawn.

Claim 271: Allowed.

Claim 279: Allowed.

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- Claim 280: Allowed.
- Claim 281: Allowed.
- Claim 282: Allowed.
- Claim 283: Allowed.
- Claim 303: Examiner said in the telephone interview that the rejection would be withdrawn.
- Claim 315: Examiner agreed during the telephone interview that with this amendment the rejection would be withdrawn.
- Claim 327: Examiner agreed during the telephone interview that with this amendment the rejection would be withdrawn.
- Claim 336: Amended to include allowable dependent claim 337.
- Claim 351: Examiner agreed during the telephone interview that with this amendment the rejection would be withdrawn.
- Claim 362: Allowed.
- Claim 373: Allowed.
- Claim 376: Allowed.
- Claim 386: Old allowable dependent claim 328 rewritten as a new independent claim.
- Claim 387: Centering means element is in means-plus-function and centers the two different labels, which is not taught by the prior art.

Concluding Remarks

Accordingly, it is respectfully contended that all of the claims now pending are in condition for allowance. Issuance of the Notice of Allowance at an early date is thus in order.

If there are any remaining issues, Examiner Chan is encouraged to telephone the below-signed counsel for Applicants at (310) 785-5384 to seek to resolve them.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 10-0440. Should such

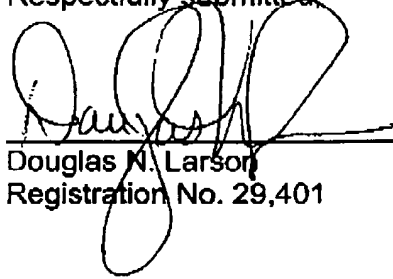
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additional fees be associated with an extension of time, Applicants respectfully request that this paper be considered a petition therefor.

Respectfully submitted,



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